

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DANA BLACK,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-00384-JRS-MPB
)	
RES-CARE, INC.)	
d/b/a BRIGHTSPRING HEALTH)	
SERVICES,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION
HON. MAGISTRATE JUDGE MATTHEW P. BROOKMAN

On February 4, 2020, Plaintiff Dana Black ("Black") filed this Fair Labor Standards Act matter against Res-Care, Inc. [Docket No. 1]. On February 5, 2020, Black filed an Amended Complaint against Res-Care, Inc. d/b/a Brightspring Health Services. [Docket No. 5] and on February 26, 2020, the Clerk of Court issued the Summons. [Docket. No. 8].


On January 14, 2021, the Court ordered Black to show cause on or before February 12, 2021 why this case should not be dismissed pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) due to Plaintiff's failure to prosecute. The Court's order noted that "[i]f good cause is not shown by that date, the court will recommend dismissal of this action without prejudice. *Id.*

To date, Plaintiff has not responded to the order to show cause. Accordingly, the Magistrate Judge recommends Plaintiff's Complaint be **DISMISSED** without prejudice, pursuant to [Rule 4\(m\) of the Federal Rules of Civil Procedure](#), for Plaintiff's failure to prosecute this matter.

Any objections to the Magistrate Judge's Report and Recommendation shall be filed with the Clerk in accordance with [28 U.S.C. § 636\(b\)\(1\)](#) and [Fed. R. Civ. P. 72\(b\)](#). Failure to timely

file objections within fourteen days after service shall constitute a waiver of subsequent review absent a showing of good cause for such failure.

Dated: February 17, 2021



Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

Distribution:

John Robert Panico
PANICO LAW LLC
panico.avoue@gmail.com